

# Notice of Allowability

Application No.

10/695,726

Examiner

Karla Moore

Applicant(s)

DANDO ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 28 September 2006.
2. ☒ The allowed claim(s) is/are 26-33,36-43,46-49,51-53 and 56-71.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 0206,0906
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application.
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on 15 February 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner. The submission was considered on 25 May 2006 as seen on the initialed form. A copy of the initialed form is included for Applicant along with this action.
2. The information disclosure statement filed 28 September fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because document 60/311,064 is not a U.S. Patent or U.S. Patent Publication, therefore, it should be listed under other references and a copy should be provided. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### **Allowable Subject Matter**

3. Claims 26-33, 36-43, 46-49, 51-53 and 56-71 are allowed.
4. The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach or fairly suggest the liner apparatus forming a deposition subchamber within the chamber, at least a portion of the chamber liner apparatus selectively movable to fully expose the passageway to the chamber and to fully cover the passageway from the chamber and to form a gas-tight seal between the passageway and the chamber, said portion of the chamber liner apparatus comprising opposing wall sections having inner face portions in at least one cross section and a base extending from and received between the opposing sidewall inner face portions in said at least one cross section (claim 26 and its dependent claims). The prior art of record further fails to teach or fairly suggest the liner apparatus having a substrate opening therethrough, the liner apparatus being mounted for movement to a first

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position in which the opening is aligned with the passageway and to a second position in which the opening is not aligned with the passageway, the second position fully covering the passageway from the chamber with the liner apparatus and forming a gas tight seal between the passageway and the chamber (claims 33, 43 and 59 and their dependent claims). The prior art of record further fails to teach or fairly suggest a chemical vapor deposition apparatus comprising a chamber liner apparatus selectively movable to fully expose and to fully cover a passageway to a chamber, the liner having inner face portions and a base extending from and received between the opposing sidewall portions; and a movable substrate platform supported by and underside shaft, the base being received below the platform about the shaft (claims 53 and 59 and their dependent claims). No other prior art was located to supply the aforementioned teachings/structures along with the requisite motivation for combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karla Moore whose telephone number is 571.272.1440. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571.272.1435. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free).



Karla Moore  
Primary Examiner  
Art Unit 1763  
21 December 2006